REMARKS

Applicant appreciates the courtesy extended by the Examiner in participating in an Applicant initiated interview on October 17, 2005 to discuss the pending claims and the cited prior art references. In response to the Office action dated August 10, 2005 and the interview, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Independent Claims 4 and 23 are Patentable Over Thornton in view of Lin

Claims 4 and 23 have been rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,665,293 to Thornton et al. ("Thornton") in view of U.S. Published Application 2004/0240430 to Lin et al. ("Lin").

Claim 4 has been amended to independent form to include recitations from Claim 1, now canceled, and further recitations to emphasize the patentable distinctions from the cited references. Amended Claim 4 now recites:

> 4. (Currently Amended) A method of routing phone calls in a communication system, the method comprising:
> selectively carrying out routing a phone call through an analog phone line to a local access phone provider for communication across a public switched telephone network (PSTN) or converting the phone call to a Voice-Over-Internet-Protocol (VoIP) phone call and routing the VoIP phone call through a broadband network modem device to a local access Internet provider for communication across a packet switched network based on a called number to which the phone call is directed.

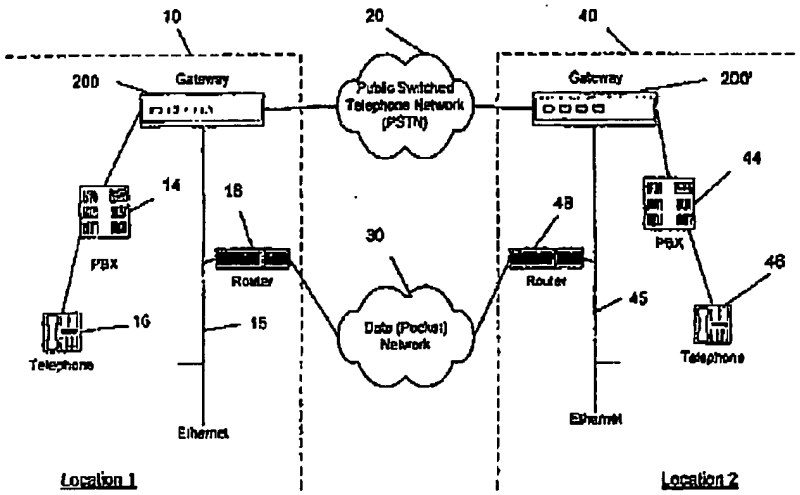
Accordingly, based on a called number either a phone call is either routed through an analog phone line to a local access phone provider for communication across a PSTN or it is converted to a VoIP phone call and routed through a broadband network modem device to a local access Internet provider for communication across a packet switched network. An exemplary embodiment of Claim 1 may be shown by Figure 1 in which a phone call from phone 100 is selectively routed through an analog phone line for termination by a local access phone provider 122 or the phone call is converted to a VoIP phone call and routed through a broadband network modem device 114 to a local access Internet provider 124 based on a called number to which the phone call is directed. Thus, for example, a 911 emergency

phone call may be routed by the phone adapter 112 through the local access phone provider 122 and PSTN 130 to a "911 emergency response center" 150, while other phone calls may be converted to VoIP phone calls and routed through the broadband access device 114, local access Internet provider 124, and Internet 140, to a VoIP provider 160.

In rejecting Claim 4, the Office Action cites to Thornton as teaching "selectively routing a phone call to a PSTN ... or over a data network ... based on the called number." (Office Action, Page 6). The Office Action concedes that Thornton does not teach routing a phone call to a broadband network modem device, but cites Lin for its general description of a cable modem and DSL modem. Applicants submit that Thornton and Lin do not teach many recitations of amended Claim 4.

Thornton shows in FIG. 1, below, and describes that telephone 16 is connected to a local access phone provider that includes private branch exchanges (PBX) 14 and 44, PSTN 20, a data (packet) network 30, and gateways 200 and 200'.

FIG. 1 of Thornton



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The PBX 14 performs incoming call termination (terminating an analog incoming call and generating a digital outgoing call) and outgoing line selection through the gateway 200 to a central office for tens, hundreds, or thousands of telephones (one which is shown as 16). (Thornton, Col. 10, lines 5-30). The gateway 200 is "situated between PBX 14 and the

PSTN". (Thornton, Col. 10, lines 52-58). Accordingly, as shown in FIG. 1, the gateway 200 interconnects the PBX 14 network with the PSTN 20 and data network 30. This is consistent with the definition provided by Microsoft Press Computer Dictionary, Third Edition, for the phrase "gateway" as "a device that connects networks using different communications protocols so that information can be passed from one to the other." The gateway 200 selectively routes calls over the data network 30 to provide effective cost savings to the calling parties and/or their organizations. (Thornton, Col. 6, lines 63-67).

Because the gateway 200 receives the output of the PBX 14, it is part of a local access phone provider. Moreover, because the PBX 14 terminates the call from the phone 16, the gateway 200 routes a digitized phone call from the PBX 14 to the PSTN 20. Accordingly, Thornton does not disclose selectively carrying out routing a phone call through an analog phone line to a local access phone provider. Lin has not been cited as teaching, and Applicant submits that it does not teach, these recitations of Claim 4 that are missing from Thornton.

Thornton describes the data network 30 as "a conventional private IP data (packet) network 30 that inter-connects, via routers 18 and 48, two illustrative Ethernet-based local area networks (LANs) 15 and 45 ... [so that devices situated at two locations 1 and 2] for the same customers [are interconnected] through these LANs". (Thornton, Col. 9, lines 54 - Col. 10, line 4). Accordingly, the data network 30 is a private network, not the Internet. Moreover, because the gateway 200 receives the output of the PBX 14 it is part of a local access phone provider. Moreover, as conceded by the Office Action, Thornton does not disclose a broadband network modem device. Accordingly, Thornton also does not disclose selectively converting the phone call to a VoIP phone call and routing the VoIP phone call through a broadband network modem device to a local access Internet provider.

As explained above, the Office Action cites Lin only for its general description of a cable modem and a DSL modem. In particular, the Office Action contends that "it would have been obvious ... that it is necessary to use any of a traditional modem such as: a DSL modem or a broadband network modem to connect a telephone call to the data network or Internet ..., [t]his is the only way a user can communicate to the Internet." (Office Action, Pages 4).

However, because Thornton teaches that the gateway 200 is connected between the PBX 14 and the private data network 14 in a local access phone provider, Thornton teaches away from the recitation of Claim 4 where the broadband network modem device routes the VoIP phone to a local access Internet provider. Accordingly, if Thornton is combined with Lin, the combined teachings would place the PBX 14 and gateway 200 between the telephone 16 and private data network 30. Accordingly, Thornton combined with Lin would not teach selectively converting the phone call to a VoIP phone call and routing the VoIP phone call through a broadband network modem device to a local access Internet provider.

For at least these reasons, Applicant submits that amended Claim 4 is patentable over Thornton in view of Lin.

Claim 23 is a computer program product claim that has been amended to independent form to include recitations that correspond to those of Claim 1, and is therefore submitted to be patentable over Thornton in view of Lin for at least the reasons explained above for Claim 4.

The dependent Claims 2-3, 5-12, 21-22, and 24-24 are patentable per the patentability of the independent claims from which they depend. Moreover, these claims are submitted to provide further basis for patentability as will be explained further below.

Independent Claim 16 is Patentable Over Thornton in view of Vortman and Lin

Claim 16 stands rejected under 35 U.S.C. §103(a) as unpatentable over Thornton in view of U.S. Published Application 2003/0002479 to Vortman et al. ("Vortman") in view of Lin.

Claim 16 has been amended to independent form to include recitations from former independent Claim 13, now canceled, and further recitations to emphasize the patentable distinctions from the cited references. Amended Claim 16 now recites:

> 16. (Currently Amended) A phone adapter comprising:
> a controller that is configured to selectively route a phone call through an analog phone line to a local access phone provider for communication across a public switched telephone network (PSTN) or to convert the phone call to a Voice-Over-Internet-Protocol (VoIP) phone call and route the VoIP phone call through a

broadband network interface device to a local access Internet provider for communication across a packet switched network based on a called number to which the phone call is directed.

Although Vortman has been cited in the Office Action as a basis for rejecting Claim 16, Applicant notes that the Office Action contends that Thornton and Lin teach each of the recitations of Claim 16. (See Office Action, Pages 11-12). The Office Action does not explain which if any of the recitations of Claim 16 are taught by Vortman. Accordingly, it appears that Claim 16 is rejected on the same basis as Claims 4 and 23, namely as unpatentable over Thornton in view of Lin.

Claim 16 recites a controller that is configured to selectively route a phone call through an analog phone line to a local access phone provider for communication across a public switched telephone network (PSTN) or to convert the phone call to a Voice-Over-Internet-Protocol (VoIP) phone call and route the VoIP phone call through a broadband network interface device to a local access Internet provider for communication across a packet switched network based on a called number to which the phone call is directed. Accordingly, Claim 16 includes similar recitations to Claims 4 and 23 and is submitted to be patentable over Thornton in view of Lin for at least the reasons explained above for Claims 4 and 23.

Moreover, Claim 16 provides further basis for patentability over the cited references. The controller 240 of Thornton, which is cited in the Office Action at Page 11 as disclosing the recitations of Claim 16, is within the gateway 200 (See FIG. 2 of Thornton). The controller 240 is therefore connected on the opposite side of the PBX 14 from the phone 16 in a local access phone provider. Consequently, Thornton does not disclose the recitations of Claim 16 of "a controller that is configured to selectively route a phone call through an analog phone line to a local access phone provider ... or to convert the phone call to a Voice-Over-Internet-Protocol (VoIP) phone call and route the VoIP phone call through a broadband network interface device to a local access Internet provider ...".

For at least these reasons, Claim 16 and the claims that depend therefrom are submitted to be patentable over Thornton in view of Vortman and Lin.

Dependent Claims 2, 3, 21, and 22 are Patentable Over Thornton in view of Lin

Claims 2, 3, 21, and 22 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Thornton in view of Lin.

Claim 2 has been amended to depend from amended independent Claim 4 and now recites:

> 2. (Currently Amended) The method of Claim 4, wherein converting the phone call to a VoIP phone call and routing the VoIP phone call through a broadband network modem device comprises routing the VoIP phone call through a cable modem device to the local access Internet provider.

The Office Action concedes that Thornton does not disclose a cable modem device, but it cites Lin for its disclosure of a cable modem. However, because the gateway 200 of Thornton receives the output of the PBX 14 which it selectively routes to the PSTN 20 or private data network 30, if Lin is combined with Thornton the combined references would teach connecting the cable modem to the output of the gateway 200 within a local access phone provider for routing to a private data network. However, cable modems are used to connect consumer equipment to a local Internet provider, not to connect a gateway to a private data network. Accordingly, Thornton combined with Lin do not teach at least the recitation of Claim 2 of routing the VoIP phone call through a cable modem device to the local access Internet provider. For at least these reasons, Claim 2 is submitted to be patentable over Thornton in view of Lin.

Claim 21 is a computer program product claim that includes recitations that correspond to the method of Claim 2, and is submitted to be patentable over Thornton in view of Lin for at least the reasons provided for Claim 2.

Claim 3 has been amended to depend from amended independent Claim 4 and now recites:

> 3. (Currently Amended) The method of Claim 4, wherein converting the phone call to a VoIP phone call and routing the VoIP phone call through a broadband network modem device comprises routing the VoIP phone call through a digital subscriber line (DSL) modem device to the local access Internet provider.

Applicants submit that Thornton combined with Lin do not teach at least the recitation of Claim 3 of routing the VoIP phone call through a DSL modem device to the local access Internet provider for at least the reasons explained above for Claim 2. For at least these reasons, Claim 3 is submitted to be patentable over Thornton in view of Lin.

Claim 22 is a computer program product claim that includes recitations that correspond to the method of Claim 3, and is submitted to be patentable over Thornton in view of Lin for at least the reasons provided for Claim 3.

Dependent Claims 14 and 15 are Patentable Over Thornton in view of Vortman and Lin

Claims 14 and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Thornton in view of Vortman and Lin.

Although Vortman has been cited in the Office Action as a basis for rejecting Claims 14 and 15, Applicant notes that the Office Action contends that Thornton and Lin teach each of the recitations of Claims 14 and 15. (See Office Action, Pages 11-12). The Office Action does not explain which if any of the recitations of Claims 14 and 15 are taught by Vortman. Accordingly, it appears that Claims 14 and 15 are rejected on the same basis as Claims 2, 3, 21, and 22, namely as unpatentable over Thornton in view of Lin.

Claim 14 recites that the controller is configured to route the VoIP phone call through a cable modem device to the local access Internet provider. Accordingly, Claim 14 includes recitations that correspond to Claims 2 and 21, and is submitted to be patentable over Thornton in view of Vortman and Lin for at least the reasons explained above for Claims 2 and 21. Moreover, Claim 14 provides further basis for patentability over the cited references. Because the controller 240 of Thornton that is cited in the Office Action at Page 11 as disclosing the recitations of Claim 14 is within the gateway 200 (See FIG. 2 of Thornton), it is connected on the other side of the PBX 14 from the phone 16 in a local access phone provider. Consequently, Thornton does not disclose the recitations of Claim 14 of "a controller that is configured to route the VoIP phone call through a cable modem device to the local access Internet provider". For at least these reasons, Claim 14 is submitted to be patentable over Thornton in view of Vortman and Lin.

Claim 15 recites that the controller is configured to route the VoIP phone call through a DSL modem device to the local access Internet provider. Accordingly, Claim 15 includes recitations that correspond to Claims 3 and 22, and is submitted to be patentable over Thornton in view of Vortman and Lin for at least the reasons explained above for Claims 3 and 22. Moreover, Claim 15 is submitted to provide further basis for patentability over Thornton in view of Vortman and Lin based on the recitation of the controller for the reasons explained above for Claim 14.

CONCLUSION

In light of the above discussion, Applicants submit that the present application is in condition for allowance, which action is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

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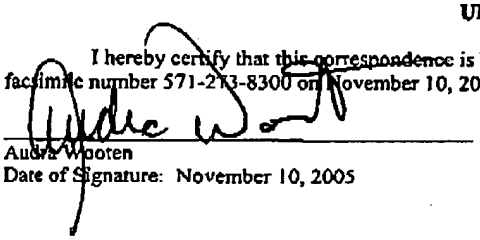

Audra Wooten
Date of Signature: November 10, 2005